Division Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. APPEAL NO. 202 OF 2005

APPELLANTS

CLAIMANTS

1. Smt. Saroj Bai Widow of Late Shri Bhishma Vishwakarma, aged about 28 years;
2. Chaitanya Kumar Son of Late Shri Bhishma Vishwakarma, aged about 9 years;
3. Budhdadeo Son of Late Shri Bhishma Vishwakarma, aged about 5 years;
4. Ku. Divya D/o Late Shri Bhishma Vishwakarma, aged about 3 years;
5. Ku. Khushboo D/o Late Shri Bhishma Vishwakarma, aged about 5 months;
6. Smt. Narbadiya Wife of Pitambar, aged about 55 years;

The appellant no.2 to 5 are Minor, through: their natural guardian Smt. Saroj Bai Widow of Late Shri Bhishma Vishwakarma and All Resident of Village Birejhar, Tahsil Kurud, District Dhamtari (C.G.).

P.R. No. 2538/05
Presented by Shri S.P. Sahu
dated 31/9/05

VERSUS

RESPONDENTS

1. Nand Kumar Son of Shri Rajaram Jangde, aged about 33 years, Resident of Village Barchha, Police Station Arang, District Raipur (C.G.), Presently Residing at Bhawani Nagar, Labhandi, Raipur (C.G.). **DRIVER**

(8)

(2)

2. Narsingh Agrawal Son of Shri Niranjan Agrawal, aged about 38 years, Resident of Mandir Hasoud, District Raipur (C.G.).

OWNER OF VEHICLE

3. National Insurance Company Limited, Mobin Mahal, G. E. Road, Raipur (C.G.). **INSURER**

MISCELLANEOUS APPEAL UNDER SECTION 173 OF THE MOTOR VEHICLE ACT, 1988

HIGH COURT OF CHHATTISGARH : BILASPUR
(LOK ADALAT)

MISCELLANEOUS APPEAL NO. 1202 of 2005

Appellants : Smt. Saroj Bai & Others
Claimants

Versus

Respondents: Nand Kumar & Others

(Arising out of Claim Case No. 473 of 2004)

09.01.2007

Appellant No.1 - Smt. Saroj Bai appears in person for herself and minors with Shri PP Sahu, counsel for all appellants.

None for respondents No.1 & 2.

Shri S. Das, Assistant Manager, National Insurance Company Limited with Shri Anand Kumar Gupta, counsel for respondent No.3.

Appellant No.1-Smt. Saroj Bai filed an application along with affidavit for permission to compromise the matter on behalf of minors.

Not opposed.

Considered. Allowed.

In terms of compromise, award is passed as below:-

1) In addition to compensation already awarded by the Tribunal, respondent No.3 shall pay Rs.1,30,000/- (Rupees one lakh thirty thousand) to the appellants.
2) For disbursement and deposit in FDR, the Tribunal may pass appropriate orders.
3) The amount, if any, kept in deposit with Bank shall be payable under the orders of Tribunal in accordance with law.
4) Appellants shall be entitled to receive interest on the amount so deposited, if any.
5) In view of the above, appeal against respondents No.1 & 2 stands dismissed.
6) Out of the above amount, Rs.1,300/- (Rupees one thousand three hundred only) shall be paid to counsel for the appellants directly by the Insurance Company towards counsel fee.
7) If the amount awarded is not deposited within a period of one month, the Insurance Company shall be liable to pay interest at the rate of 9% per annum thereafter.
8) Copy of the award shall be given to the parties free of cost.

Sd/-
V.K. Shrivastava
Judge

Judge -Lok Adalat
High Court of Chhattisgarh
Bilaspur

Sd/-
Member – Lok Adalat
High Court of Chhattisgarh
Bilaspur